

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**Acadia Insurance Company,
as Subrogee of St. Paul Street, LLC
Plaintiff**

v.

**NER Construction Management, Inc.
Defendant**

Civil Action No. 04-12557-WGY

**RESPONSE TO JULY 7,
2005 ORDER OF JUDGE
YOUNG**

Now comes the defendant, NER Construction Management, Inc. and responds to the July 7, 2005 Order of Judge Young as follows:

1. Filed herewith are the following documents:
 1. Declaration of Attorney Conrad J. Bletzer Jr.
 2. Affidavit of David C. Cowen, a registered architect and expert in matters relating to construction
 3. Affidavit of Mark D. Sullivan, an expert regarding the cause and spread of fires, and
 4. Affidavit of Mark Brown, a safety expert employed by the Defendant
 5. True and accurate copy of the general construction contract between St. Paul Street, LLC and the Suffolk Construction Company, Inc.
2. These documents set forth in detail the defenses of the Defendant to this action including Waiver of Subrogation and the reasons why the

Defendant was not negligent and did not breach any warranties as alleged in the complaint.

NER CONSTRUCTION MANAGEMENT, INC.

By Its Attorney,



Conrad J. Bletzer Jr.
BLETZER & BLETZER P.C.
300 Market Street
Brighton, MA 02135
617.254.8900
BBO#045760

Dated: August 3, 2005

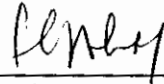
NER-ACADIA
Response to July 7, 2005 Order

CERTIFICATE OF SERVICE

I, Conrad J. Bletzer Jr., hereby certify that I have forwarded a true copy of the
Enclosed Response to July 7, 2005 Order of Judge Young and all accompanying
documents to the Plaintiff at the following address on this date, by United States mail.

Patrick J. Loftus III, Esquire
9 Park Street, Suite 500
Boston, MA 02108

Robert M. Caplan, Esquire
Daniel J. Luccaro, Esquire
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19013



Conrad J. Bletzer Jr.
BLETZER & BLETZER P.C.
300 Market Street
Brighton, MA 02135
617.254.8900
BBO#045760

Dated: August 4, 2005

NER-ACADIA
Defendant's Motion for Leave of Court to Amend Answer